

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

TQP DEVELOPMENT, LLC	§	
	§	
v.	§	
	§	Case No. 2:11-CV-248-JRG-RSP
1-800-FLOWERS.COM INC., et al.	§	

TQP DEVELOPMENT, LLC	§	
	§	
v.	§	
	§	Case No. 2:11-CV-398-JRG-RSP
ALASKA AIR GROUP INC., et al.	§	

TQP DEVELOPMENT, LLC	§	
	§	
v.	§	
	§	Case No. 2:12-CV-55-JRG-RSP
	§	
BRANCH BANK AND TRUST COMPANY	§	

**ORDER ON LETTER BRIEFS**

Before the Court are the parties' requests for leave to file dispositive motions that were filed in the TQP Development, LLC v. 1-800-Flowers.com, Inc., et al. case(2:11-CV-248-JRG-RSP). The Court, having reviewed the Parties' requests finds as follows:

- The requests to file a motion for summary judgment based on laches by Expedia (Dkt. 248, filed June 17, 2013), Hotwire (Dkt. 249, filed June 17, 2013), Orbitz (Dkt. 250, filed June 17, 2013),<sup>1</sup> and Branch Bank (Dkt. 252, filed June 17, 2013) are **DENIED** as the briefing reveals that there are significant questions of material fact surrounding the dispositive issues—rendering summary judgment inappropriate.

---

<sup>1</sup> The Court is disappointed to note that the Reply Letter Brief in Support of Motion for Summary Judgment on Laches filed by Mr. Qureshi on behalf of Expedia, Hotwire, and Orbitz and by Mr. Unis on behalf of Branch Bank misquotes the cited Order Denying Leave to File Motion for Summary Judgment on Laches, *Hearing Components, Inc. v. Shure, Inc.*, No. 9:07-cv-104, (E.D. Tex. Oct. 16, 2008), ECF No. 92.

- The request by Newegg Inc., Branch Bank & Trust Company, Expedia, Inc., Hotwire, Inc., and Orbitz, LLC's request to file a motion for summary judgment with respect to invalidity of the asserted claims of United States Patent No. 5,412,730 based on anticipation by the RC4 algorithm and/or Lotus Notes (Dkt. 253, filed June 17, 2013) is **DENIED** as the briefing presents significant questions of material fact that renders summary judgment inappropriate.
- Branch Bank's request to file a motion for summary judgment regarding invalidity (Dkt. No. 306, filed August 21, 2013) is **DENIED** as the additional facts presented do not resolve the significant questions of material fact presented by the underlying letter briefing.

**SIGNED this 26th day of September, 2013.**

  
ROY S. PAYNE  
UNITED STATES MAGISTRATE JUDGE